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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,251	01/11/2002	C. Richard Panico	99148.165	2287

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BOSTON, MA 02109

EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/055,251	Applicant(s) PANICO ET AL.	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-17 in Paper filed on 12/24/03 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 4/30/03 has been considered by the examiner.

Claim Objections

3. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 states that the lamp has a diameter greater than the DVD, however claim 7 depends from claim 6 which states exactly the same property.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 2, 3, 10, 15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 are indefinite because claim 2 depends on claim 3 and claim 3 depends on claim 2. It appears claim 2 should depend on claim 1.

Claim 10 is indefinite because it states that the lamp has a diameter less than the DVD, but claim 10 depends upon claim 6 which states that the lamp has a diameter greater than the DVD. It is unclear how the lamp can have both a greater and lesser diameter than the DVD.

Claim 15 is indefinite because it is not entirely clear what Applicant is claiming. It is not clear what is meant by the term "lamp enclosure". Is it a housing? Does Applicant mean that the first and second rings are separate independent lamps? If so this is inconsistent with parent claim 1 which is directed to a single lamp, not a plurality of lamps. It is clear that the rings are intended to be independent of one another, but it is unclear what is meant by them not being part of a single lamp enclosure. Clarification and an appropriate amendment is requested. It is noted that no art rejection has been made for claim 15 because it is unclear what is being claimed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Panico (U.S. Patent 4,495,040).

Panico discloses a discharge flash lamp the discharges pulses of uv light wherein the lamp is configured in a flat spiral with multiple turns (See Column 1, lines 25-55; Figures 3, 8, 9, and 11). It is noted that the DVD is the material worked upon and is not considered part of the system and that the lamp is capable of directing light to a DVD. Panico anticipates claim 1 and 2.

Regarding claims 3 and 4, Panico teaches having a contoured reflector (14) for reflecting light from the lamp to the material worked upon (Column 3, lines 8-12). As illustrated in Figure 2, the reflector has a hole in the center for allowing the electrode (16) for passing through and it is inherent that the hole in the center of the reflector

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results in less light being provided to the center of the material worked upon than the periphery of the material worked upon.

Regarding claims 5-10, the DVD is the material worked upon and the relative size of the diameter of the lamp to the diameter of the material worked upon would depend on the particular material worked upon. The lamp is capable of having a larger or smaller diameter than the material worked upon. Panico anticipates claims 5-10.

8. Claims 1, 2, 5, 8, 11, 13, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Buazza (U.S. Patent 5,928,575).

Buazza discloses a flash lamp for directing pulsed uv light to a material worked upon wherein the lamp is shaped in the form a ring, U, helix or it may be linear (Column 44, lines 6-20).). It is noted that the DVD is the material worked upon and is not considered part of the system and that the lamp is capable of directing light to a DVD. Buazza anticipates claim 1 and 2.

Regarding claims 5 and 8, the DVD is the material worked upon and the relative size of the diameter of the lamp to the diameter of the material worked upon would depend on the particular material worked upon. The lamp is capable of having a larger or smaller diameter than the material worked upon. Buazza anticipates claims 5 and 8.

Regarding claims 11, 13, 14, and 16, Buazza teaches the flash lamp can be in the shape of a helix. It is inherent that the helix is the same thing as a spiral or coil and that it comprises a plurality of rings in different planes that are parallel and that one ring

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will be closer to the material worked upon than the others. Buazza anticipates claims 11, 13, 14, and 16.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panico (U.S. Patent 4,495,040) in view of Buazza (U.S. Patent 5,928,575).

Panico is relied upon for the teachings noted above with regards to claims 1-4 and is silent towards there being first and second rings in different planes that are parallel.

Buazza teaches that flash lamps can be arranged in a plurality of shapes, including ring, helix, U, and linear and that the shapes are interchangeable (Column 44, lines 14-15). One skilled in the art would have readily appreciated using any of the known shapes for a flash lamp including a helix, which has a plurality of rings in different planes that are parallel in the lamp of Panico. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the lamp with a helix shape that has first and second rings in different planes that are parallel in the lamp on Panico as is known in the art as suggested in Buazza.

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Conclusion

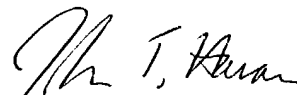
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0166043 and US 2002/0186014 are cited as being related applications.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran
Examiner
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